

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 31, 2017**

Invocation: Priestess Sharon Russell, Tejas Web

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 31, 2017 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:54 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of August 15, 2017, budget work session of August 16, 2017, and regular meeting of August 17, 2017.
The minutes from the City Council work session of August 15, 2017, budget work session of August 16, 2017 and regular meeting of August 17, 2017 were approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
2. Approve an ordinance amending the Fiscal Year 2016-17 Austin Energy Operating Budget (Ordinance No. 20160912-001) to increase Operating Fund revenue by \$100,000,000 and increase Operating Fund expenses by \$100,000,000 in order to provide appropriations for power supply adjustment expenses that were under-budgeted and in order to reduce the power supply expense over-recovery balance from the prior fiscal year.
Ordinance No. 20170831-002 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair abstained.
3. Authorize issuance of residential rebates to 1806 East 4th Ltd., for the installation of solar electric systems to serve 97 condominium units located at 1800 East 4th Street, for an amount not to exceed \$80,976; and authorize execution of four performance-based incentive agreements with 1806 East 4th Ltd., for the generation of solar energy for commercial common areas at the same location, for an amount not to exceed \$3,292 per year over a 10-year period; for a combined total residential and commercial incentive amount not to exceed \$113,896. (District 3)
The motion authorizing issuance of residential rebates to 1806 East 4th Ltd. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.
4. Approve issuance of a rebate to Domain Junction 8 LLC, for energy efficiency measures at its facility located at 11601 Alterra Parkway, in an amount not to exceed \$89,645. (District 7)

The motion approving issuance of a rebate to Domain Junction 8 LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

5. Approve an ordinance amending the Fiscal Year 2016-2017 Operating Budget (Ordinance No. 20160914-001) and Capital Budget (Ordinance No. 20160914-002) as requested to direct funds from council offices to other city departments for municipal purposes.
Ordinance No. 20170831-005 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
6. Authorize award and execution of a construction contract with CDMtek, LLC, for Austin Energy's Cooling Tower Expansion Project at the Paul Robbins District Cooling Plant, in the amount of \$2,587,000 plus a \$388,050 contingency, for a total contract amount not to exceed \$2,975,050. (District 9) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.06% MBE and 14.17% WBE participation.)
The motion authorizing award and execution of a construction contract with CDMtek, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
7. Authorize award and execution of a construction contract with MAC, INC., for the Fire Station #26 Structural Improvements project in an amount of \$358,000 plus a \$17,900 contingency, for a total contract amount not to exceed \$375,900. (District 1) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with .84% MBE and .58% WBE participation.)
The motion authorizing award and execution of a construction contract with MAC, Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
8. Authorize award and execution of a construction contract with AUSTIN MATERIALS, LLC, for the Miscellaneous Street Overlay Indefinite Delivery/Indefinite Quantity project in the initial amount of \$2,000,000 for an initial 12-month term, with three one-year extension options of \$2,000,000 each, for a total contract amount not to exceed \$8,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 5.02% MBE and 2.07% WBE participation.)
The motion authorizing award and execution of a construction contract with Austin Materials, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
9. Authorize negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT, for the use of Palmer Events Center at no charge in exchange for the City's use of District event space for community events with an estimated value of the exchange not to exceed \$35,000 a year for two years.
The motion authorizing negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
10. Approve a resolution authorizing the City Manager and other city officers to negotiate and execute all documents necessary to enter into a U.S. Department of Housing and Urban

Development loan in an amount not to exceed \$5,000,000 under Section 108 of the Housing and Community Development Act of 1974, as amended, to finance the Family Business Loan Program and amend Resolution No. 20170803-019 adopted on August 3, 2017, to attach and incorporate the 2017-2018 Community Development Program and Action Plan to the resolution.

Resolution No. 20170831-010 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

11. Approve an ordinance authorizing the issuance of Combined Utility Systems Taxable Interim Financing Notes in a maximum principal amount at any one time outstanding of \$75,000,000 to provide low interest rates on interim financing on utility projects; and authorize and approve the execution of all related agreements, including a Dealer Agreement with Goldman, Sachs & Co., an Issuing and Paying Agent Agreement with U.S. Bank N.A., a Revolving Credit Agreement, a note Purchase Agreement, a Fee Letter, and a Note Paying Agent Agreement all with JPMorgan Chase Bank, National Association related to the City's Combined Utility Systems Program Notes, comprised of a Commercial Paper Sub-Series and a Direct Purchase Sub-Series, and approve and authorize all related documents and fees.

Ordinance No. 20170831-011 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair abstained.

12. Approve an ordinance authorizing the issuance of Combined Utility Systems Tax Exempt Interim Financing Notes in a maximum principal amount at any one time outstanding of \$400,000,000 to provide low interest rates on interim financing on utility projects; and authorize and approve the execution of all related agreements, including a Dealer Agreement with Goldman, Sachs & Co., an Issuing and Paying Agent Agreement with U.S. Bank N.A., a Revolving Credit Agreement, a Note Purchase Agreement, a Fee Letter, and a Note Paying Agent Agreement all with JPMorgan Chase Bank, National Association related to the City's Combined Utility Systems Program Notes, comprised of a Commercial Paper Sub-Series and a Direct Purchase Sub-Series, and approve and authorize all related documents and fees.

Ordinance No. 20170831-012 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

13. Approve an ordinance authorizing a Reimbursement Agreement with Citibank, N.A. and a Reimbursement Agreement with Sumitomo Mitsui Banking Corporation related to the City's Hotel Occupancy Tax Subordinate Lien Variable Rate Revenue Refunding Bonds, Series 2008; and authorizing the execution and delivery of related agreements and fees.

Ordinance No. 20170831-013 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair abstained.

14. Approve an ordinance repealing Ordinance No. 20170803-064 and amending Ordinance No. 20170608-034 to authorize waiving or reimbursing certain additional fees for the Umlauf Garden Party- Under a Texas Sky event, sponsored by the Umlauf Sculpture Garden and Museum, which was held on Thursday April 27, 2017 at Umlauf Gardens.

Ordinance No. 20170831-014 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Houston abstained.

Direction was given to staff without objection to include an additional \$250 towards the fee waiver by Council Member Alter.

15. Discussion and possible action related to the City of Dripping Springs application to discharge treated wastewater effluent into Walnut Springs Tributary and Onion Creek.

This item was withdrawn without objection.

16. Authorize negotiation and execution of Amendment No. 2 to a legal services contract with Tydings & Rosenberg LLP for legal services regarding the minority-owned and women-owned business enterprise procurement program in an amount not to exceed \$24,600, for a total contract amount not to exceed \$150,000.
The motion authorizing negotiation and execution of amendment number two to a legal services contract with Tydings & Rosenberg LLP was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-1 vote. Council Member Troxclair voted nay.

Items 17 and 18 were pulled for discussion.

19. Authorize amendment to prior Council action authorizing negotiation and execution of an encroachment agreement to correct the entity name from John Coleman Horton III to CVS PHARMACY, INC., for the encroachment of right-of-way by a portion of an existing structure located at 500 Congress Avenue (District 9).
The motion authorizing an amendment to prior Council action authorizing negotiation and execution of an encroachment agreement was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
20. Approve an ordinance adopting an amendment to the 5200 McKinney Falls Parkway Annexation and Development Agreement relating to installation of a telecommunications tower with associated equipment (adjacent to District 2).
Ordinance No. 20170831-020 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
21. Approve an ordinance adopting the Second Amendment to the Strategic Partnership Agreement (SPA) between the City of Austin and Anderson Mill Limited District (District 6).
Ordinance No. 20170831-021 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
22. Approve an ordinance adopting the Third Amendment to the Strategic Partnership Agreement (SPA) between the City of Austin and Tanglewood Forest Limited District (District 5).
Ordinance No. 20170831-022 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
23. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled the Austin Police Department Coverdell Project.
Resolution No. 20170831-023 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
24. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled APD Special Operations Project.
Resolution No. 20170831-024 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
25. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled APD Juvenile Justice and Delinquency Prevention Project.

Resolution No. 20170831-025 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

26. Approve a resolution authorizing the acceptance of grant funding from the State of Texas, Office of the Governor, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Violent Crime.

Resolution No. 20170831-026 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

27. Authorize negotiation and execution of an interlocal agreement with the UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER to review cases involving DNA evidence processed by the Austin Police Department DNA Laboratory for legal materiality in an amount not to exceed \$100,000.

The motion authorizing negotiation and execution of an interlocal agreement with the University of North Texas Health Science Center was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

28. Authorize negotiation and execution of an interlocal agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for public health and social services at Overton Elementary School for a 12-month term from September 1, 2017 through August 31, 2018.

The motion authorizing negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Item 29 was pulled for discussion.

30. Authorize award and execution of a contract with Technology International Inc., for Nordstrom plug valves, in an amount not to exceed \$70,625. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing award and execution of a contract with Technology International Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

31. Authorize negotiation and execution of a contract with Western Waterproofing Company of America DBA Western Specialty Contractors of America, to provide window sealing services at Rutherford Lane Campus, in an amount not to exceed \$109,155. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Western Waterproofing Company of America doing business as Western Specialty Contractors of America was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

32. Authorize negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Mobius Partners LLC, to provide VMware products, services and software including maintenance and support, for a term of three

years in an amount not to exceed \$600,000. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this procurement, there were insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract through the State of Texas Department of Information Resources cooperative purchasing program with Mobius Partners LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

33. Authorize negotiation and execution of a contract with Bureau Veritas North America, Inc., to provide permit plan review services, with an initial term of two years and three one year extension options, for a total contract amount not to exceed \$1,825,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9 C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

This item was withdrawn without objection.

34. Authorize negotiation and execution of a contract with Raftelis Financial Consultants Inc., to provide consulting services and to assist with developing the rate filing package for use during the impartial hearing examiner process for the Austin Water cost of service and rate review for a term of one year, in an amount not to exceed \$250,000. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Raftelis Financial Consultants Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

35. Authorize negotiation and execution of a contract with NewGen Strategies and Solutions, LLC, to advocate on behalf of residential customers during the impartial hearing examiner process for the Austin Water cost of service and rate review, for a term of one year, in an amount not to exceed \$170,000. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this procurement, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with NewGen Strategies and Solutions, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

36. Authorize negotiation and execution of a contract with Environmental Systems Research Institute, Inc., to provide an enterprise license, consulting services, software maintenance, training, cloud services and support for the City's geographic information system, for a term of 50 months, in an amount not to exceed \$5,833,333. (Notes: Sole Source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Environmental Systems Research Institute, Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

37. Authorize negotiation and execution of a contract with Booz Allen Hamilton Engineering Services, LLC, to provide radio frequency engineering and consulting services, with an initial term of two years and three one year extension options, for a total contract amount not to exceed \$1,250,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Booz Allen Hamilton Engineering Services, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
38. Authorize negotiation and execution of a contract with Fiserv Solutions, Inc., to provide licenses, maintenance and support of financial report storage and retrieval software, for a term of five years, for a total contract amount not to exceed \$383,595. (Notes: Sole Source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract with Fiserv Solutions, Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
39. Authorize negotiation and execution of a contract through the Houston-Galveston Area Council with Siddons-Martin Emergency Group, LLC, for an aircraft rescue firefighting apparatus, in an amount not to exceed \$782,444. (Notes: This procurement was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this procurement, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)
The motion authorizing negotiation and execution of a contract through the Houston-Galveston Area Council with Siddons-Martin Emergency Group, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
40. Authorize negotiation and execution of four contracts with Baker & Taylor, LLC, Ingram Library Services LLC, Recorded Books Incorporated, and Midwest Tape LLC, to provide spoken word audio books on compact disc, each with an initial term of two years, and each with three one year extension options, for total contract amounts not to exceed \$1,075,000, divided among the contractors. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program. For the services required for this contract, there were no subcontracting opportunities; therefore, no goals were established.)
The motion authorizing negotiation and execution of four contracts with Baker & Taylor, LLC, Ingram Library Services LLC, Recorded Books Incorporated, and Midwest Tape LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
41. Authorize negotiation and execution of two contracts with The Segal Company (Southeast) Inc. and Gallagher Benefit Services Inc. DBA Arthur J. Gallagher & Co, or one of the other qualified offerors to Request For Proposals RWS0503, to provide actuarial and consulting services for the Human Resources Department's Employee Benefits Program and Compensation Program, for an initial term of three years, with two one year extension options, for total contract amounts not to exceed \$5,520,000, divided between the contractors. (Notes: This solicitation was reviewed for

subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there was an insufficient number of certified M/WBEs; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of two contracts with The Segal Company (Southeast) Inc. and Gallagher Benefit Services Inc. doing business as Arthur J. Gallagher & Co was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

42. Authorize negotiation and execution of two contracts, each with an initial term of three years and two, one year extension options, one contract with Sun Life Financial DBA Sun Life Assurance Company of Canada, or one of the other qualified offerors to Request For Proposals EAD0131, to provide a dental maintenance organization plan for City retirees, for a total contract amount not to exceed \$819,588, and one contract with Cigna Health and Life Insurance Company, or one of the other qualified offerors to Request For Proposals EAD0131, to provide a preferred provider organization dental plan for City retirees, for a total contract amount not to exceed \$13,451,204. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of two contracts with Sun Life Financial doing business as Sun Life Assurance Company of Canada and Cigna Health and Life Insurance Company was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

43. Authorize negotiation and execution of three contracts with MTU Maintenance Berlin-Brandenburg, TransCanada Turbines Inc., and Wood Group/Pratt & Whitney, to provide gas turbine repair and maintenance, each for an initial term of two years, with three one year extension options, for total contract amounts not to exceed \$34,000,000, divided among the contractors. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of three contracts with MTU Maintenance Berlin-Brandenburg, TransCanada Turbines Inc. and Wood Group/Pratt & Whitney was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

44. Authorize award and execution of a contract with Ecin Industries, Inc., to provide mattresses, box springs, and bed frames, with an initial term of three years and two one year extension options, for a total contract amount not to exceed \$359,250. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities therefore, no subcontracting goals were established.)

The motion authorizing award and execution of a contract with Ecin Industries, Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

45. Authorize negotiation and execution of a contract with ZVS-Media, LLC, to provide public access television master control room equipment and installation services for a term of two years,

in an amount not to exceed \$262,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were insufficient subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with ZVS-Media, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

46. Authorize negotiation and execution of a contract with Caldwell Country Chevrolet, or one of the other qualified offerors to Request for Proposals MMO0304, for electric vehicles, for a term of one year in an amount not to exceed \$923,580. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9D Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Caldwell Country Chevrolet was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-0 vote. Council Member Troxclair abstained.

47. Authorize negotiation and execution of a contract with Eaton Corporation, to provide replacement batteries including corrective repairs and preventative maintenance services for an uninterrupted power supply system at the Combined Transportation, Emergency and Communications Center, for a term of five years in an amount not to exceed \$187,695. (Notes: Sole Source contracts are exempt from the City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program; therefore, no subcontracting goals were established.)

The motion authorizing negotiation and execution of a contract with Eaton Corporation was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

48. Authorize negotiation and execution of a contract with Advanced Traffic Solutions, LLC, or one of the other qualified offerors to Request For Proposal JTH0309, to provide a traffic management system to manage traffic operations at signalized intersections and control of pedestrian hybrid beacons, for an initial term of five years, with two one year extension options, for a total contract amount not to exceed \$2,220,000. (Notes: This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9C Minority Owned and Women Owned Business Enterprise Procurement Program. For the goods and services required for this solicitation, there were no subcontracting opportunities; therefore no goals were established.)

The motion authorizing negotiation and execution of a contract with Advanced Traffic Solutions, LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

49. Approve the first reading of an ordinance granting a franchise agreement to Oncor Electric Delivery Company LLC for use of the City's rights of way for placing facilities or equipment to provide electric utility services within Oncor's certificated area.

The motion approving the ordinance on first reading only granting a franchise agreement to Oncor Electric Delivery Company LLC was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

50. Authorize award and execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC. for the ADA Sidewalk and Ramp Improvements for Safe Routes to

Schools, North Lamar Boulevard, Burnet Road Indefinite Delivery/Indefinite Quantity project, in the amount of \$4,000,000 for an initial 18-month term, with two 12-month extension options of \$2,000,000, for a total contract amount not to exceed \$8,000,000. (Districts 4, 7, 9, and 10) (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 95.03% MBE and 1.87% WBE participation.)

The motion authorizing award and execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

51. Approve a resolution for the appointment of Interim Assistant City Manager Joe Pantalione to the Waller Creek Local Government Corporation board to fill the vacancy left by former Assistant City Manager Bert Lumbreras.
Resolution No. 20170831-051 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
52. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members; and amendments to board and commission bylaws.
The following appointments and certain related waivers were approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

2018 Charter Review Commission

Fred Lewis

Council Member Alter

Asian American Quality of Life Resource Advisory Commission

Molly Wang

Council Member Garza

Citizens' Anti-Displacement Task Force

J.D. Rimann

Council Member Troxclair

Commission for Women

Linda Powers

Council Member Houston

Comprehensive Plan Joint Committee

Tom Nuckols

Planning Commission

Mexican American Cultural Center Advisory Board

Rosemary Banda

Council Member Garza

Waivers

There are no waivers at this time.

Board Bylaws

South Central Waterfront Advisory Board

Electric Board

Items 53 and 54 were pulled for discussion.

55. Approve a resolution initiating amendments to the regulating plan for the Plaza Saltillo Transit-Oriented Development Station Area, by extending its boundaries to include the Housing Authority of the City of Austin Chalmers Courts location. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Jimmy Flannigan CO 2: Mayor Steve Adler CO 3: Council Member Delia Garza CO 4: Council Member Gregorio Casar)
This item was postponed to September 28, 2017 on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
56. Approve an ordinance amending Chapter 2-1 of the City Code relating to eligibility requirements for service on a City board by a person required to register as a lobbyist. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Sabino "Pio" Renteria CO 3: Council Member Ann Kitchen)
Ordinance No. 20170831-056 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Item 57 was pulled for discussion.

58. Approve a resolution initiating amendments to the regulating plan for the North Burnet Gateway area relating to floor-to-area ratio, height, platting requirements, and sign regulations, and directing the City Manager to process the amendments. (Notes: SPONSOR: Council Member Leslie Pool CO 1: Mayor Steve Adler CO 2: Council Member Alison Alter CO 3: Council Member Gregorio Casar)
Resolution No. 20170831-058 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.
59. Approve a resolution directing the City Manager to develop recommendations for engaging the community in alternatives to activities such as "panhandling" with more effective and positive interactions with people experiencing homelessness. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Mayor Steve Adler CO 2: Council Member Leslie Pool CO 3: Council Member Ellen Troxclair)
Resolution No. 20170831-059 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Item 60 was pulled for discussion.

61. Approve an ordinance waiving certain City Code provisions in Title 25 to allow staff to process rezoning and neighborhood plan amendment applications relating to property located at 2514 Thrasher Lane. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Leslie Pool CO 2: Council Member Jimmy Flannigan CO 3: Mayor Steve Adler)
Ordinance No. 20170831-061 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 10-1 vote. Mayor Pro Tem Tovo voted nay.
62. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Austin Duck Derby event, sponsored by the Boys and Girls Club, which was held on Saturday, August 5, 2017, on Ann Richards Bridge at Lady Bird Lake. (Notes: SPONSOR: Council

Member Delia Garza CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Leslie Pool CO 3: Mayor Steve Adler CO 4: Council Member Ann Kitchen)

The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Austin Duck Derby event was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 9-0 vote. Council Members Houston and Troxclair abstained.

Direction was given to staff without objection to include an additional \$500 towards the fee waiver by Council Member Alter.

63. Approve the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Unity Concert and March Against Hate and White Supremacy, sponsored by Jolt TX, which will be held on Saturday, September 2, 2017 at the Texas Capital. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Alison Alter CO 3: Council Member Ann Kitchen)

The motion approving the waiver or reimbursement of certain fees under City Code Chapter 14-8 for the Unity Concert and March Against Hate and White Supremacy was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on a 9-0 vote. Council Members Houston and Troxclair abstained.

64. Approve an ordinance waiving or reimbursing certain fees for the Tejano Concert, sponsored by the Saving Souls Outreach Music Ministry Organization, which will be held on Saturday, October 7, 2017 at the Pan American Center. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Delia Garza CO 2: Council Member Ora Houston CO 3: Council Member Ann Kitchen)

Ordinance No. 20170831-064 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

65. Approve an ordinance waiving or reimbursing certain fees for the District Days Celebration, sponsored by Six Square, which will be held on Saturday, September 2, 2017 at the Downs-Mabson Fields. (Notes: SPONSOR: Council Member Ora Houston CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Alison Alter CO 3: Mayor Pro Tem Kathie Tovo)

Ordinance No. 20170831-065 was approved on consent on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

66. Set a public hearing to consider a resolution designating service areas and land use assumptions for street impact fees as required by Chapter 395 of Texas Local Government Code (Suggested date and time: October 19, 2017 at 4:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Texas)

The public hearing was set on consent for October 19, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

67. Set a public hearing to consider an ordinance relating to the 2015 International Building Code, the 2015 International Existing Building Code, and local amendments. (Suggested date and time: September 28, 2017, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

The public hearing was set on consent for September 28, 2017, 4:00 p.m. at 301 W. Second Street, Austin, TX on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Item 68 was pulled for discussion.

69. Set a public hearing to receive recommendations from the stakeholders group established by City Council to make recommendations concerning non-criminal alternatives to City Code Chapter 9-3, relating to a juvenile curfew, and to consider an ordinance that continues, readopts, or amends City Code Chapter 9-3, relating to a juvenile curfew. (Suggested date and time September 28, 2017 at 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)
The public hearing was set on consent for September 28, 2017, 4:00 p.m. at 301 West Second Street, Austin, TX on Council Member Garza's motion, Council Member Kitchen's second on an 11-0 vote.

Items 70 and 71 were Council Discussion Items.

Item 72 was a Briefing Item set for 10:30 a.m.

Items 73 and 75 were Executive Session Items.

Item 76 and 77 were a Zoning Ordinance/Restrictive Covenant (HEARING CLOSED) Item.

Items 78 through 95 were Zoning and Neighborhood Plan Amendment Items (Public Hearing and Possible Action).

Items 96 through 100 were public hearing items set for 4:00 p.m.

Items 101 through 103 were Addendum items.

DISCUSSION ITEMS

18. Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to revise and add provisions regarding indigency.
This item was postponed to September 28, 2017 on Council Member Garza's motion, Council Member Pool's second on a 10-0 vote. Council Member Kitchen was off the dais.
68. Set public hearings for the full purpose annexation of the following annexation areas: Entrada (Approximately 246 acres in northeastern Travis County south of Wells Branch Parkway at the intersection of Immanuel Road and Crystal Bend Drive; contiguous to District 1)HOLT CAT Subdivision (Approximately 27 acres in southern Travis County along IH-35 approximately three-tenths of a mile south of Slaughter Lane; contiguous to District 5)Mooreland Addition (Approximately 34 acres in southwestern Travis County east of the intersection of Manchaca Road and Mooreland Drive; contiguous to District 5)River Place Outparcels (Approximately 212 acres in northwestern Travis County adjacent to the boundary of the River Place Municipal Utility District (MUD) and the city's full purpose jurisdiction; contiguous to District 6). Suggested dates and times: October 12, 2017 at 4:00 pm and October 19, 2017 at 4:00 pm, Council Chambers of City Hall, 301 West 2nd Street, Austin, Texas.
A motion to set the public hearing for the full purpose annexation of the following annexation areas: Holt Cat subdivision, Mooreland Addition, and River Place Outparcels was set for October 12, 2017, 4:00 p.m. and October 19, 2017 at 4:00 p.m. at 301 W. Second Street, Austin, TX was approved without objection on Council Member Flannigan's motion, Council Member Houston's second. No action occurred on the proposed Entrada annexation.

29. Authorize negotiation and execution of three contracts for juvenile delinquency prevention services each for an initial twelve-month term through August 31, 2018, with three twelve-month renewal options, with MEXIC-ARTE MUSEUM in an amount not to exceed \$78,000 per twelve-month term, for a total contract amount not to exceed \$312,000; CREATIVE ACTION in an amount not to exceed \$80,000 per twelve-month term, for a total contract amount not to exceed \$320,000; and WORKERS ASSISTANCE PROGRAM in an amount not to exceed \$73,469 per twelve-month term, for a total contract amount not to exceed \$293,876.

The motion authorizing negotiation and execution of two contracts with Mexic-Arte Museum and Workers Assistance Program was approved on Council Member Garza's motion, Council Member Casar's second on an 11-0 vote.

The motion authorizing negotiation and execution of a contract with Creative Action was approved on Council Member Garza's motion, Council Member Casar's second on a 10-0 vote. Mayor Pro Tem Tovo recused herself.

103. Approve a resolution directing the City Manager to provide additional information and recommendations for creating a dedicated funding stream for capital and operating expenditures related to meeting the needs of those experiencing homelessness. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Ann Kitchen CO 2: Council Member Leslie Pool CO 3: Council Member Delia Garza)
Resolution No. 20170831-103 was approved on Mayor Pro Tem Tovo's motion, Council Member Pool's second on a 9-0 vote. Council Members Garza and Renteria were off the dais.

BRIEFING

72. Special Legislation Session Briefing.
Presentation was made by Brie Franco, Government Relations Officer, Intergovernmental Relations Office.

CITIZENS COMMUNICATIONS: GENERAL

Raul Alvarez - Language access CAN Dashboard.

Samuel Erwin - TBA. – **Not present.**

Spencer Nutting - Leslie statue. – **Not present.**

Sara Black - Solution to the Downtown puzzle.

Carlos León - 1) God, Jesus Christ, and The Holy Spirit are eternally best & brightest; 2) Clear air alert - Chemtrails were sprayed in Austin airspace 8/11-8/14; stop chemtrail attacks against Austinites yesterday. 3) Losing your marbles, Vol. III, Part 4.

Tony Farmer - Austin Energy budget.

Michelle Degrate - Funding for FY 2017-2018 budget allocation.

Karen Sironi - Speed cushions.

James Puttnam Burris Jr. - TBA. – **Not Present.**

Mayor Adler recessed the Council Meeting at 12:30 p.m.

EXECUTIVE SESSION

73. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.
74. Discuss legal issues related to City of Austin 2017 labor negotiations concerning employees in the Fire, Police, and EMS departments (Private consultation with legal counsel – Section 551.071 of the Government Code).
This item was withdrawn without objection.
75. Discuss legal issues related to the City of Dripping Springs' Application for a Permit to Discharge Treated Wastewater Effluent into Walnut Springs Tributary and Onion Creek (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn without objection.

Mayor Adler reconvened the meeting at 1:50 p.m.

DISCUSSION ITEMS CONTINUED

57. Approve a resolution rescinding action taken on August 10, 2017 regarding rezoning of the property located at 12611 Hymeadow (Case No. C14-2017-0072) and directing staff to re-notice the case and place the item on the next available City Council agenda after notice has been sent. (Notes: SPONSOR: Council Member Jimmy Flannigan CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Delia Garza CO 3: Mayor Steve Adler)
Resolution No. 20170831-057 was approved on Council Member Flannigan's motion, Mayor Adler's second on a 7-4 vote. Those voting aye were: Mayor Adler, Council Members Casar, Flannigan, Garza, Kitchen, Renteria, and Troxclair. Those voting nay were: Mayor Pro Tem Tovo, Council Members Alter, Houston, and Pool.
54. Approve a resolution directing the City Manager to develop a pilot program that would offer temporary work opportunities to those experiencing homelessness and to make recommendations to Council. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Council Member Ora Houston CO 2: Council Member Jimmy Flannigan CO 3: Council Member Ann Kitchen)
A motion to approve the resolution was made by Council Member Troxclair and seconded by Council Member Flannigan.
- A motion to amend the resolution was made by Council Member Casar and seconded by Council Member Renteria. The amendments were:**
To add a new fifth Whereas clause to read:
"Whereas, the expansion of "panhandling" in high-risk areas throughout the city stems in part from street vendors and mobile vendors being prohibited from doing business in some parts of the city; and"
- To add a new sixth Whereas clause to read:**
"Whereas, the City has previously taken action to remove barriers to mobile vending, such as Resolution No. 20141106-064; and"

To revise the third bullet listed under the Be It Resolved Clause to read: “a public messaging campaign to raise awareness of the program and that calls to 311 can refer the program’s mobile unit(s) to specific locations in order to offer work to those who may be willing and able;”

To add a new Be It Further Resolved clause to read:

“The City Manager should explore additional options to overcoming homelessness and obstacles to employment for difficult to employ populations, including removing barriers to small-scale, street, and or mobile vendors to operate more easily within the city limits. The City Manager should explore and identify any changes to existing City code that may limit or prevent such options, any related permitting options or costs (to City or resident) for said vendors to operate, and investigate other U.S. cities that have taken action to this effect, and their suggestions for successful implementation of safe vending.

To revise the original first Be It Further Resolved clause to read:

“The City Manager should identify services for which workers may be placed or contracted, identify the potential for-profit and non-profit community partners in administering, managing, or implementing various provisions of the program, ensure that such workers would earn the City’s living wage, and identify any barriers to financial solubility of the program.”

To revise the last Be It Further Resolved clause to read:

“The City Manager is directed to return to the Council with a memo or presentation regarding possible options for such a pilot program by January 1, 2018.

A friendly amendment was made by Mayor Adler to revise the original first Be It Further Resolved clause to change “ensure” to “to provide an option with a strong preference”.

A friendly amendment was made by Mayor Adler to revise the first Be It Further Resolved Clause to read:

“The City Manager is directed to develop the Residents In Search of Empowerment ATX (R.I.S.E. ATX) pilot program that would offer temporary work opportunities with or within the City of Austin to those experiencing homelessness and/or panhandling. The pilot program should include the following provisions:”

A friendly amendment was made by Mayor Pro Tem Tovo to revise the new Be It Further Resolved clause to read:

“The City Manager should explore additional options to overcoming homelessness and obstacles to employment for difficult to employ populations, and should report back on any barriers to small-scale, street, and or mobile vendors within the city limits. The City Manager should include information about provisions of existing City code that may limit or prevent such options, as well as related permitting options changes or costs (to City or resident) for said vendors to operate.”

The amendment and friendly amendments were accepted without objection.

Resolution No. 20170831-054 was approved as amended above on Council Member Troxclair’s motion, Council Member Flannigan’s second on an 11-0 vote.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

76. C14-2017-0033 – 9501 Stonebridge Drive - District 4 -Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 9501 Stonebridge Drive (Little Walnut Creek Watershed). Applicant Request: To rezone from limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning to limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. First Reading approved on August 3, 2017. Vote: 9-2, Council Members Flannigan and Troxclair voted nay. Owner/Applicant: David and Reyna Lippincott. City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20170831-076 was approved for limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.
77. C14-2017-0059 – 1105 Rio Grande Street - District 9 –Approve second and third readings of an ordinance amending City Code Title 25 by rezoning property locally known as 1105 Rio Grande Street (Shoal Creek Watershed). Applicant Request: To rezone from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) combining district zoning. First Reading approved on August 3, 2017. Vote: 9-1-1, Council Member Flannigan voted nay, Mayor Adler abstained. Owner/Applicant: Asa Christensen. Agent: Asa Christensen. City Staff: Scott Grantham, 512-974-3574.
Ordinance No. 20170831-077 was approved for downtown mixed use-conditional overlay (DMU-CO) combining district zoning on Council Member Renteria's motion, Council Member Troxclair's second on an 10-0 vote. Mayor Adler Recused himself.
80. NPA-2016-0005.04 – 500 Montopolis Drive - District 3 – Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 500 Montopolis Drive (Country Club East) from Single Family to Mixed Use land use. Staff Recommendation: Recommendation pending. Planning Commission Recommendation: To be reviewed on September 12, 2017. Owner/Applicant: Keep Investment Group, LLC (Austin Stowell). Agent: Drenner Group (Amanda Swor). City Staff: Maureen Meredith, (512) 974-2695.
This item was postponed to September 28, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.
81. NPA-2016-0005.02 - Montopolis - Ben White FLUM Amendment - District 3 -Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6700 and 6800 E. Ben White Blvd., & 2601 Montopolis Drive (Country Club East Watershed; Carson Creek Watershed) from Industry to Commercial land use (Tract 3) and Mixed Use land use (Tracts 1 & 2). Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To be reviewed on September 12, 2017. Owner/Applicant: Ocampo Partners, Ltd. Agent: Coats Rose (John M. Joseph). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed to September 28, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.
82. C14-2016-0085 - Montopolis - E. Ben White Zoning - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6700 and 6800 East Ben White Boulevard, and 2601 Montopolis Drive (Country Club East Watershed; Carson Creek Watershed). Applicant Request: Applicant request: To rezone from limited industrial services - neighborhood plan (LI-NP) combining district zoning to general commercial services - mixed use - neighborhood plan (CS-MU-NP) combining district zoning for Tracts 1 &

2 and from limited industrial services - neighborhood plan (LI-NP) combining district zoning to general commercial services - neighborhood plan (CS-NP) combining district zoning for Tract 3. Staff Recommendation: To deny general commercial services - mixed use - neighborhood plan (CS-MU-NP) combining district zoning for Tracts 1 & 2 and general commercial services - neighborhood plan (CS-NP) combining district zoning for Tract 3. Planning Commission Recommendation: To be reviewed on September 12, 2017. Owner: Ocampo Partners Ltd. Applicant/Agent: Coats Rose/John Joseph. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to September 28, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

83. C14-78-220 (RCT) -Montopolis - Ben White Subdivision - District 3 - Conduct a public hearing to terminate a restrictive covenant on property locally known as 6700 & 6800 E. Ben White Blvd and 2601 Montopolis Drive (Country Club West and Carson Creek Watersheds). Staff Recommendation: To grant the termination of the Restrictive Covenant as it relates to this property. Planning Commission Recommendation: To be reviewed September 12, 2017. Applicant/Agent: Coats Rose/John Joseph. Owner: Ocampo Partners Ltd. City Staff: Andrew Moore, 512-974-7604.

This item was postponed to September 28, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

86. C14-2017-0027 - Texas Motor Transportation and Oil Field Haulers Inc. - District 1 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 700 East 11th Street (Waller Creek Watershed). Applicant Request: To rezone from general commercial services (CS) district zoning to Central Business District (CBD) zoning. Staff Recommendation: To grant Central Business District (CBD) zoning. Planning Commission Recommendation: To grant Central Business District (CBD) zoning. Owner/Applicant: Texas Motor Transportation & Oil Field Haulers, Inc. (John Esparza). Agent: Metcalfe Wolff Stuart & Williams (Michele R. Lynch). City Staff: Scott Grantham, 512-974-3574.

This item was postponed to September 28, 2017 at the request of Council on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

87. C14-2017-0036 - Parker Creek Ranch Residential - District 1 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by zoning and rezoning property locally known as 7620 Decker Lane (Decker Creek Watershed; Walnut Creek Watershed). Applicant Request: To rezone from interim-rural residence (I-RR) district zoning and single-family residence-standard lot (SF-2) district zoning to single family residence -small lot (SF-4A) district zoning. Staff Recommendation: To grant single family residence-small lot (SF-4A) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-small lot (SF-4A) district zoning, with conditions. Owner: Continental Homes of Texas L.P. (Ian Cude). Applicant: Alice Glasco Consulting (Alice Glasco). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and a motion to close the public hearing and approve the ordinance on first reading only for single family residence-small lot (SF-4A) district zoning, with conditions was approved on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

88. C14-2017-0042 - 12602 Blackfoot Trail - District 6 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 6610 McNeil Drive/12602 Blackfoot Trail (Rattan Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and single family residence-standard lot (SF-2) district zoning to general commercial-mixed use (CS-MU) combining district zoning. Staff

Recommendation: To grant neighborhood commercial-mixed use (LR-MU) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning for Tract 1 and community commercial-mixed use-conditional overlay combining (GR-MU-CO) district zoning for Tract 2. Owner/Applicant: Abraham Birgani. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed to October 5, 2017 at the request of the applicant on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

90. C14-2017-0050 - 1501 Airport Commerce Drive - District 3 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1501 Airport Commerce Drive (Carson Creek Watershed). Applicant Request: To rezone from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay- neighborhood plan (CS-CO-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed on August 22, 2017. Owner/Applicant: W2 Hill ACP II LP/Simmons Vedder (Steven Freche). Agent: Thrower Design (Ron Thrower). City Staff: Andrew Moore, 512-974-7604.

This item was postponed to September 28, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

93. C14-2017-0073 – 7100 West US Highway 290 – District 8 – Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 7100 West US Highway 290 (Williamson Creek Watershed-Barton Springs Zone). Applicant Request: To rezone from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Owner/Applicant: Cielo Paso Oak Hill LP (Marcus Meyer). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Andrew Moore, 512-974-7604.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-093 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

94. C14-2017-0074 - Gilfillan Place - District 9 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 603 West 8th Street (Shoal Creek Watershed). Applicant Request: To rezone from general office-historic landmark (GO-H) combining district zoning, general office-mixed use (GO-MU) combining district zoning, and general office (GO) district zoning to downtown mixed use-historic landmark (DMU-H) combining district zoning. Staff Recommendation: To grant downtown mixed use-historic landmark-conditional overlay (DMU-H-CO) combining district zoning. Historic Landmark Commission Recommendation: To be reviewed on August 28, 2017. Planning Commission Recommendation: To be reviewed on September 12, 2017. Owner/Applicant: 2015 Austin Gilfillan LP (Rene O. Campos). Agent: Drenner Group (Dave Anderson). City Staff: Scott Grantham, 512-974-3574.

This item was postponed to November 2, 2017 at the request of staff on Council Member Renteria's motion, Council Member Troxclair's second on a 10-0 vote. Mayor Adler recused himself.

95. C14-2017-0075 - ET Rezoning 2017 - District 2 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 2705 East State Highway 71 Westbound (Colorado River Watershed). Applicant Request: To rezone from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: ExecuTesla, LLC (Tim Spires). Agent: Law Offices of Damon A. Goff (Damon Goff). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-095 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on Council Member Renteria's motion, Council Member Troxclair's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

53. Approve an ordinance amending Ordinance No. 20151119-066 relating to the waiver of fees for the Austin Habitat for Humanity Grand Opening event which was held November 21, 2015, to waive or reimburse additional fees for the event. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Ann Kitchen CO 2: Council Member Alison Alter CO 3: Council Member Jimmy Flannigan)

Ordinance No. 20170831-053 was approved on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on a 10-0 vote. Council Member Houston abstained.

17. Approve second and third reading of an ordinance relating to special events and high capacity event venues, repealing and replacing City Code Chapter 14-8 relating to right-of-way closures for special events and neighborhood block parties, amending requirements for temporary food establishments during a special event, repealing City Code Section 14-6-3 relating to closures for a street festivity, amending City Code Chapter 9-2 relating to 24-hour live music and multi-day special event permits; and creating offenses and establishing penalties.

The motion to approve the ordinance on second reading only was approved on Council Member Houston's motion, Council Member Pool's second on a 9-0 vote. Council Members Garza and Renteria were off the dais.

Direction was given to staff to place the item on the October 19, 2017 Council meeting for third reading.

70. Discussion regarding the City's proposed budget for fiscal year 2017-2018.
This item was withdrawn without objection.

71. Discussion and possible action on the Council Budget Concept Menu.
This item was withdrawn without objection.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS CONTINUED

Items 84 and 85 were acted on in one combined motion.

84. NPA-2017-0009.01 - 1139 ½ Poquito Street - District 1 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20011213-041, the Central East Austin Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1139 ½ Poquito Street (Boggy Creek Watershed) from Single Family land use to Multifamily land use. Staff recommendation: To grant Multifamily land use. Planning Commission recommendation: To grant Multifamily land use. Owner: Poquito Rex LLC (Rex Bowers); Sarah Rahl. Applicant: City of Austin, Planning & Zoning Department. City Staff: Maureen Meredith, 512-974-2695.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-084 to change the land use designation on the future land use map (FLUM) to Multifamily land use was approved on Council Member Houston's motion, Council Member Pool's second on a 8-1 vote. Council Member Flannigan voted nay. Mayor Pro Tem Tovo and Council Member Renteria were off the dais.
85. C14-2017-0013 - 1139 ½ Poquito Street - District 1 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1139 ½ Poquito Street (Boggy Creek Watershed). Applicant Request: To rezone from family residence-neighborhood plan (SF-3-NP) combining district zoning to multifamily residence moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, with conditions. Owner: Poquito Rex, LLC (Rex Bowers); Sarah Rahl. Applicant: City of Austin Planning and Zoning Department (Jerry Rusthoven). City Staff: Heather Chaffin, 512- 974-2122.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-085 for multifamily residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, with conditions was approved on Council Member Houston's motion, Council Member Pool's second on an 8-1 vote. Council Member Flannigan voted nay. Mayor Pro Tem Tovo and Council Member Renteria were off the dais.

Items 91 and 92 were acted on in one combined motion.

91. C14-2017-0061 - Velocity East 12th Street - District 1 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 705 E 12th Street (Waller Creek Watershed). Applicant Request: To rezone general commercial services (CS) district zoning to central business district (CBD) district zoning. Staff Recommendation: To grant central business district (CBD) district zoning. Planning Commission Recommendation: To grant central business district (CBD) district zoning. Owner/Applicant: Velocity (Debbie Mitchell) Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.) City Staff: Scott Grantham, 512-974-3574.
The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-091 for central business district (CBD) district zoning was approved on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.
92. C14-2017-0062 - Velocity E 11th Street - District 1 -Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 610 East 11th Street (Waller Creek Watershed). Applicant Request: To from general commercial services (CS) district zoning and commercial-liquor sales (CS-1) district zoning to central business district

(CBD) district zoning. Staff Recommendation: To grant central business district (CBD) district zoning. Planning Commission Recommendation: To grant central business district (CBD) district zoning. Owner/Applicant: Velocity (Debbie Mitchell) Agent: Armbrust & Brown, PLLC (Richard T. Suttle, Jr.) City Staff: Scott Grantham, 512-974-3574.

The public hearing was conducted and a motion to close the public hearing and approve Ordinance No. 20170831-092 for central business district (CBD) district zoning was approved on Council Member Houston's motion, Council Member Renteria's second on an 11-0 vote.

89. C14-2017-0048 - GMCV LLC, dba G's Liquor - District 7 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 1800 Scofield Ridge Parkway, Suite C (Little Walnut Creek Watershed). Applicant Request: To rezone from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Owner/Applicant: GMCV, LLC (George Faddoul). Agent: Lenworth Consulting, LLC (Nash Gonzales). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and a motion to close the public hearing and deny the rezoning request was approved on Council Member Pool's motion, Council Member Renteria's second on a 6-5 vote. Those voting aye were: Mayor Pro Tem Tovo, Council Members Alter, Houston, Kitchen, Pool, and Renteria. Those voting nay were: Mayor Alder, Council Members Casar, Flannigan, Garza, and Troxclair.

PUBLIC HEARINGS

98. Conduct a public hearing and consider an ordinance amending City Code Section 25-2-355 relating to voting requirements applicable to zoning recommendations by the Historic Landmark Commission.
This item was postponed to September 28, 2017 without objection.
99. Conduct a public hearing and consider an ordinance authorizing execution of an agreement with Austin Independent School District establishing site development standards and allowing transfers of impervious cover for redevelopment of school campuses within the Barton Springs Zone (This action concerns land located within the Barton Springs Zone).
This item was postponed to October 19, 2017 without objection.
100. Conduct a public hearing and consider a request by Charles Lofli, agent of CNJ Austin Wings III Inc. dba Wingstop, located at 7112 Ed Bluestein Blvd., Unit 167, to waive the distance requirement of City Code Section 4-9-4(A), which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.
The public hearing was conducted and the motion to close the public hearing and deny the waiver was approved on Council Member Houston's motion, Council Member Pool's second on an 11-0 vote.

Mayor Adler recessed the meeting at 5:42 p.m.

LIVE MUSIC

Dickie Lee Erwin

PROCLAMATIONS

Proclamation – YWCA Greater Austin Day – To be presented by Mayor Steve Adler and to be accepted by Angela-Jo Touza-Medina

Proclamation – Austin Pediatric Clinic – To be presented by Mayor Pro Tem Kathie Tovo and to be accepted by Dr. Jack Louis and Dr. Mike Bayer

Proclamation – Austin Coworking Day – To be presented by Mayor Steve Adler and to be accepted by Shelley Delayne, founder of Orange Coworking and of the Austin Coworking Alliance

Proclamation – Freelance Business Day – To be presented by Mayor Steve Adler

Mayor Adler reconvened the meeting at 6:59 p.m.

DISCUSSION ITEMS CONTINUED

102. Approve a resolution to direct the City Manager on appropriate action related to Senate Bill 4 (state law regarding immigration). (Notes: SPONSOR: Council Member Gregorio Casar CO 1: Council Member Delia Garza CO 2: Mayor Steve Adler CO 3: Council Member Ann Kitchen)
This item was withdrawn without objection.

ZONING AND NEIGHBORHOOD PLAN AMENDMENTS

Items 78 and 79 were acted on in one combined motion.

78. NPA-2016-0016.01 - 3212 E. Cesar Chavez Street - District 3 - District 3 - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed) from Commercial and Industry land uses to Multifamily and Mixed Use land uses. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Painter Enterprises, a Texas Corporation. Agent: Husch Blackwell (Nikelle Meade). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed to September 28, 2017 without objection at the request of the applicant and the neighborhood.
79. C14-2016-0079 - 3212 E. Cesar Chavez Street - District 3 - Conduct a public hearing and approve an ordinance amending City Code Title 25 by rezoning property locally known as 3212 East Cesar Chavez Street and 111 Tillery Street (Colorado River Watershed). Applicant Request: To rezone from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to multifamily residence- highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Staff Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multifamily residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning and general

commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Owner: Painter Enterprises Inc. (Donald E. Painter). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed to September 28, 2017 without objection at the request of the applicant and the neighborhood.

DISCUSSION ITEMS CONTINUED

60. Approve a resolution directing the City Manager to take necessary actions to allocate hotel occupancy taxes, and other revenues, to projects that promote tourism and the convention industry, in accordance with council directives. (Notes: SPONSOR: Council Member Ellen Troxclair CO 1: Mayor Pro Tem Kathie Tovo CO 2: Council Member Leslie Pool CO 3: Council Member Ann Kitchen)

A motion to approve the resolution was made by Council Member Troxclair and seconded by Council Member Houston.

The following amendment was made by Mayor Adler.

To replace all of the Be It Resolved clauses with the following:

The City Manager is directed to present Council options to achieve, immediately or as quickly as possible consistent with the economic well-being of the city, a 15% allotment of City Hotel Occupancy Tax revenue for permissible historic preservation activities that attract tourism, in all areas of the city, with an emphasis on projects and activities in communities most at-risk of losing historic integrity.

The City Manager shall present these options within ____ days of the passage of this resolution to allow the Council sufficient time to evaluate options and potentially take actions to increase revenue and expenditures for historic preservation activities in the 2017/18 City Budget process.

Such historic preservation activities should be related to facilities and locations such as, but not limited to, Barton Springs, Zilker Park, Zilker Botanical Gardens, Umlauf Sculpture Garden and Museum, Lions Municipal Golf Course, O Henry and Elisabet Ney Museums, and other sites that have been neglected, but that would be visited by tourist and convention attendees, including, but not limited to, the Victory Grill, the Montopolis Negro School, other historic swimming pools, and Walter E. Long Metropolitan Park.

The options presented by the Manager must indicate to Council how each option might or might not prejudice the City's ability to:

- 1. Obtain the maximum non-hotel occupancy tax dedicated income stream for activities related to homelessness and the area proximate to the Austin Resource Center for the Homeless (ARCH)**
- 2. Obtain a dedicate income stream to support the local music industry, independent of current cultural arts funding**
- 3. Proceed with the development of the Waller Creek chain of parks**
- 4. Develop capital funding and an annual income stream to enable investments in facilities or locations that could be eligible for HOT funding, such as, but not limited to:**
 - a. Palm School**
 - b. 6th Street Cultural District**
 - c. Red River Cultural District**

- d. Mexic-Arte Museum
- e. Emma S. Barrientos Mexican American Cultural Center
- 5. Invest in improvements related to the Travis County Exposition Center

The options should maximize use of funds derived from sources other than local property taxes to the fullest extent possible, though this does not prohibit options that also use Tax Increment Reinvestment Zones or other property tax related mechanisms.

The amendment was later withdrawn without objection.

An amendment was made by Mayor Adler to add an additional Be It Resolved clause to read:

“The City Manager is directed to present an analysis of this allocation and other options to achieve HOT allocations for historical preservation, considering relevant factors including, but not limited to, budgetary, legal, and project impacts prior to the adoption of the 2017-2018 budget.”

The amendment was accepted without objection.

A friendly amendment was made by Council Member Houston to add a new Be It Resolved clause to read:

“The City Manager is directed to collaborate with Travis County to explore and evaluate opportunities to include the Travis County Exposition Center as a venue funded with hotel occupancy tax revenue, or other revenues, and include a report on those opportunities in the documents provided by Council by September 28, 2017.”

The friendly amendment was accepted without objection.

A friendly amendment was made by Council Member Alter to add an additional Whereas clause to read:

“Whereas, approval of this item does not preclude the opportunity to implement other Visitor Impact Task Force recommendations or to expand the Austin Convention Center at a future time;”

The friendly amendment was accepted without objection.

Resolution No. 20170831-060 was approved as amended above on Council Member Troxclair’s motion, Council Member Houston’s second on an 11-0 vote.

AFTER 10:00 P.M.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Flannigan’s motion, Council Member Houston’s second on a 10-0 vote. Council Member Alter abstained.

DISCUSSION ITEMS CONTINUED

- 101. Approve a resolution directing the City Manager to explore funding options such as public improvement districts, tax increment financing, public-private partnerships, and increases in hotel occupancy taxes to fund improvements to downtown Austin, to address homelessness in downtown Austin, to support the local music industry, and to fund park, civic, and historic

facilities and districts including expansion of the Convention Center. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Gregorio Casar CO 3: Council Member Jimmy Flannigan CO 4: Council Member Ann Kitchen)

This item was postponed to September 28, 2017 without objection on Mayor Adler's motion, Council Member Kitchen's second.

PUBLIC HEARINGS CONTINUED

96. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2017-2018 Proposed Budget.

The public hearing was conducted and a motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Pool's second on an 11-0 vote.

Mayor Adler recessed the meeting at 12:37 a.m. without objection.

Mayor Adler reconvened the meeting at 12:38 a.m. without objection.

PUBLIC HEARINGS CONTINUED

97. Conduct a public hearing on the proposed property (ad valorem) tax rate for Fiscal Year 2017-2018.

The public hearing was conducted and a motion to close the public hearing was approved on Council Member Renteria's motion, Council Member Houston's second on an 11-0 vote.

Mayor Adler adjourned the meeting at 12:42 a.m. without objection.

The minutes were approved on this the 28th day of September 2017 on Council Member Garza's motion, Council Member Casar's second on a 10-0 vote. Council Member Troxclair was absent.